

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 3, “Inspections, Citations, and Proposed Penalties,” and Chapter 10, “General Industry Safety and Health Rules,” Iowa Administrative Code.

The proposed amendment to subrule 3.5(1) adopts by reference changes to federal occupational safety and health standards pertaining to acetylene in general industry workplaces. The federal changes update references to standards adopted by the Compressed Gas Association and the National Fire Protection Association pertaining to acetylene as part of a broader effort by the federal Occupational Safety and Health Administration to update references to standards.

The proposed amendment to rule 875—10.20(88) eliminates an obsolete clause in a rule outlining procedures for conducting an occupational safety and health inspection.

The principal reasons for adoption of these amendments are to implement legislative intent and to make Iowa’s regulations current and consistent with federal regulations. Pursuant to Iowa Code subsection 88.5(1)(a) and 29 CFR 1953.5, Iowa must adopt changes to the federal occupational safety and health standards.

Written data, views, or arguments to be considered in adoption shall be submitted no later than January 7, 2010, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

A public hearing will be held on January 7, 2010, at 3:30 p.m. in the Stanley Room at Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa. The public will be given the opportunity to make oral statements and submit documents. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should telephone (515)242-5869 in advance to arrange access or other needed services.

No variance provisions are included in these rules. Variances procedures are set forth in 875—Chapter 5.

These amendments are intended to implement Iowa Code chapter 88.

The following amendments are proposed.

ITEM 1. Amend subrule 3.5(1) as follows:

3.5(1) Inspections shall take place at the times and in the places of employment as the labor commissioner or the commissioner’s designee may direct. At the beginning of an inspection, compliance safety and health officers shall present their credentials to the owner, operator or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records ~~specified in 875—4.2(88), 875—4.4(88), and 875—subrule 4.5(1) which~~ they wish to review. However, such designation of records shall not preclude access to additional records.

ITEM 2. Amend rule **875—10.20(88)** by inserting the following at the end thereof:
74 Fed. Reg. 40447 (August 11, 2009).